

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY**  
**MEETING MINUTES FOR TUESDAY, DECEMBER 12, 2006**

Commissioner David Gray, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, December 12, 2006, at 8:30 a.m. Present were Commissioners Charles Jenkins, *Vice President*; Jan Gardner, Kai Hagen and John Thompson, Jr. Also present were Doug Browning, County Manager and Deborah Smith, Recording Secretary.

*(Official Minutes of the Board of County Commissioners' meetings are kept on file in the County Manager's Office; the meetings are also video recorded. Approved minutes are available on the County web page. To receive a copy of meetings recorded on videotape or DVD, please contact the Board of County Commissioners at 301-600-1100 or visit the County web page at [www.co.frederick.md.us](http://www.co.frederick.md.us))*

**NOTE: Copies of all staff reports are available in the OnBase system. If you need assistance with the OnBase system, please contact the recording secretary.**

**PLEDGE OF ALLEGIANCE**

The meeting began with the recitation of the Pledge of Allegiance.

**ACTION ON THE AGENDA**

Commissioner Jenkins requested a discussion regarding a letter from Paul Smith, Alderman, City of Frederick, to the Board. Mr. Smith was requesting that the Board reconsider their decision to impound \$500,000 from the FY 2007 capital budget for the renovation of Harry Grove Stadium.

The Board directed staff to add this item to the County/Municipalities meeting, scheduled for Thursday, December 14, 2006, and send notice to the City of Frederick mayor and aldermen to attend the meeting.

**COMMISSIONERS COMMENTS**

None.

**WORKSESSION**

**Toys for Tots Presentation**

Margaret Nusbaum, Division Director, and Pat Rosensteel, Director, Head Start, Citizens Services Division, promoted the Toys for Tots campaign that solicited donations of toys for needy children for Christmas.

**Presentation of the Monocacy Scenic River Citizens Advisory Board's (River Board) Annual Report – Tim Goodfellow, Comprehensive Planning, Planning Division**

Mr. Goodfellow presented a history of the River Board and information regarding their role. Members of the River Board presented information regarding accomplishments and future goals.

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The Board directed that Doug Browning, County Manager, follow up to the letter sent by the River Board on August 3, 2005, regarding Conservation Reserve Enhancement Program (CREP) tree plantings on lot 3 in the Wedgewood subdivision.

There was no public comment.

As this item was for information only, the Board took no action.

**English Muffin Way Construction Change Order #2 – Tony Pellegrino, Highways and Transportation, Public Works Division**

Mr. Pellegrino presented an update regarding the reconstruction project for English Muffin Way. He informed the Board that there was water and sewer work, for privately owned properties, to be completed in conjunction with the reconstruction project. Staff offered three (3) options to mitigate the situation and requested that the Board choose which option they preferred staff to utilize to prepare Change Order #2 to this project.

Staff recommended option #1 that would hire Francis O. Day Company, Inc. to perform the water and sewer work. The charges incurred due to the change order would be fully funded by the property owner.

The Board accepted public comment.

Commissioner Gardner moved to approve that staff use option #1 to prepare Change Order #2 with the understanding that the change order and agreement would come back to the Board on Thursday, December 21, 2006. Commissioner Jenkins seconded the motion that passed 5 – 0.

**Discussion of the Public Information Act – John Mathias, County Attorney**

Mr. Mathias presented information to the Board regarding the Public Information Act and how it impacted the Board as they served as commissioners.

There was no public comment.

As this item was for information only, the Board took no action.

**ADMINISTRATIVE BUSINESS**

**FY 2008 Budget Maximum Agency Request Ceiling (MARC) and Other Post Employment Benefits (OPEB) Alternatives – Richard Duthoy and Mike Gastley, Budget, Finance Division**

Mr. Gastley reviewed with the Board the MARC for FY 2008 that was set on Thursday, November 9, 2006. Richard Duthoy, Acting Director, Finance Division, presented to the Board information about the OPEB debt and proffered a possible phase-in plan that would begin to accommodate the payment of the debt. The Board discussed that the Board of Education

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(BOE) also had the OPEB obligation and the amount of their liability was approximately double that of the county's obligation.

Commissioner Thompson moved that the minimum amount for the BOE's obligation for FY 2008 (\$6,089,982) be put into a trust fund for the OPEB debt and the BOE's base budget for FY 2008 be reduced in a like amount. Commissioner Gray seconded the motion that failed by a vote of 1 – 4, with Commissioners Gray, Jenkins, Gardner and Hagen opposed.

Commissioner Gardner moved to add to the agenda for the BOCC/BOE meeting scheduled for later in the day a discussion of the BOE's base budget for FY 2008. Commissioner Hagen seconded the motion that passed 5 – 0.

Commissioner Gardner opened a discussion regarding county funding for non-government, human services agencies. She requested that the Board consider increasing the amount of funding in the MARC. Margaret Nusbaum, Director, Citizens Services Division, provided information regarding the number of applications received by her staff for this type of funding.

Commissioner Hagen moved to fund an additional \$200,000 above the amount in the MARC for non-government, human services agencies. Commissioner Gardner seconded the motion that passed 3 – 2, with Commissioners Jenkins and Thompson opposed.

**An Open Letter to the Town of New Market – Commissioner Jan Gardner**

Commissioner Gardner presented to the Board a letter she had prepared and addressed to the residents of New Market in regard to annexations. She requested that the other members of the Board decide if they would sign the letter along with her and if the letter should be from the Board as a whole as opposed from only her as a commissioner.

Commissioner Hagen moved to send the letter from the Board to the residents of New Market. Commissioner Thompson seconded the motion. It was noted that one of the county's attorneys would review the letter before it was sent. The motion passed 4 – 1, with Commissioner Jenkins opposed.

Staff was instructed to prepare the letter for the signature of the four (4) commissioners who voted affirmatively for the motion.

(Commissioner Gardner exited the meeting at 12:15 p.m.)

**FY 2008 Capital Budget and FY 2008 – 2013 Capital Improvements Program Update – John Kroll, Finance Division**

The Board agreed to wait for this update until their meeting on Tuesday, January 16, 2007.

**COMMISSIONERS COMMENTS**

None.

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**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

None.

**ADJOURN**

The meeting adjourned at 12:20 p.m.

Respectfully submitted,

Deborah A. Smith

Recording Secretary